

## **R E M A R K S**

In view of the above amendments and following remarks, favorable reconsideration in this application is respectfully requested.

In this Amendment, claim 3 has been amended to refer to non-government data. Such data includes things like housing starts, gold prices, industrial production index, and vehicle sales. Those are shown, for instance, in Fig. 10 of the original application. Accordingly, no new matter is entered.

### Claim Objections and Rejection Under 35 U.S.C. §112, 2<sup>nd</sup> Paragraph

Claim 10 was objected to, and claims 25-26 were rejected as being indefinite. The Applicant notes that it is unclear whether claim 27 is rejected under 35 U.S.C. §112, 2<sup>nd</sup> paragraph. However, claims 10 and 25-27 have been revised to address the Examiner's concerns. It is respectfully submitted that the claims are now more clearly recited, and that the objection and rejection be withdrawn.

### Claim Rejection – 35 U.S.C. §101

Claims 1-28 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Essentially, the Examiner rejects claims 1-28 under *In re Bilski* as being method claims which do not recite a statutory machine. The claims have been amended to recite a

computer, which is a statutory machine, and that the steps are undertaken by the computer.

Accordingly, it is respectfully submitted that the claims are directed to statutory subject matter.

In addition, a system claim 30 has been added. Claim 30 has support in the original specification, including at paragraphs 0063, 0064, 0069 and 0099, which discuss a computer and a database. Accordingly, no new matter is added.

Claim Rejections – 35 U.S.C. §§102/103

The Examiner rejects claims 11-15, 17-18, 20, 22-24 under 35 U.S.C. §102 as anticipated by *Callen* (U.S. Patent No. 6,332,125); rejects claims 1-8 as obvious over *Guiso* (An Empirical Analysis of Earnings and Employment Risk); rejects claims 9 and 27 as obvious over *Callen* and *Guiso*; and rejects claims 10 and 28 over *Callen*, *Guiso* and *Official Notice*; rejects claim 16 over *Callen* and Applicant Admitted Prior Art (AAPA); and rejects claims 19, 21, 23, 25-26 over *Callen* in view of *Official Notice*.

The present invention is a system and method for determining unemployment risk, predicting unemployment probability and providing various unemployment insurance options to employees. The invention determines an unemployment risk score for that particular individual employee, and also collects national employment, unemployment and economic data. The unemployment insurance premium is based on that risk score. The invention can then provide various policy options for the individual employee to choose from. (See claims 1, 9, 11, 27.)

*Callen* provides a method for an insurer to provide termination benefits to non-voluntarily terminated employees. However, *Callen* is concerned with offering those benefits to the employer. *Callen* determines the historical unemployment rate **for that employer**. (See *Callen*, claim 1 and col. 1, line 54-col. 2, line 6; col. 10, lines 24-30.) Thus, *Callen* determines the rate at which the employer terminates employees, which is completely different from the present invention determining the unemployment probability of an individual employee.

Thus, unlike the present invention, *Callen* does not offer any policies to the employee. Consequently, *Callen* is not capable of tailoring an unemployment insurance policy to an individual employee, as required by the claimed invention. Because *Callen* is not concerned with the individual employee, it does not generate unemployment risk score for that employee based on collected personal data as well as collected national data. Consequently, *Callen* does not teach or suggest the feature of determining an unemployment risk score for a particular individual employee, as set forth in the claimed invention.

*Guiso*, on the other hand, has conducted a telephone survey of a small population of people to and provides a very generalized and abstract discussion of data elements which can be used in the computation of future income, one factor of which is the probability of unemployment. (See *Guiso*, page 251, left column, 2<sup>nd</sup> full paragraph.) In fact, *Guiso* admits that there are conflicting results which cannot be explained. (See *Guiso*, page 245, right column, 3<sup>rd</sup> full paragraph.) *Guiso* does not teach or suggest how the information can be used, and especially does not teach or suggest that the information can be used to generate an

unemployment insurance policy for an individual employee. Consequently, *Guiso* fails to compute an unemployment risk score for an individual employee or to provide homogeneous risk groups, as required by the claimed invention.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (Ref. 132770.00101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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